

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

STACIA STINER, et al.,
Plaintiffs,

v.

BROOKDALE SENIOR LIVING, INC., et al.,
Defendants.

Case No. 17-cv-03962-HSG (LB)

**ORDER REGARDING DISCOVERY
DISPUTE**

RE: ECF NO. 318

The parties dispute whether the plaintiffs must produce the unlocked computer files that their expert relied on. The court can decide the dispute without oral argument and grants the defendants' motion for the files. N.D. Civ. L. R. 7-(b). The plaintiffs say that the files are proprietary. (Letter Brief – ECF No. 218 at 4–5.) To the extent that they are (and the defendants contest the point because they are not requesting source code, instead ask for formulas and calculations, and have a license for the software, *id.* at 3), the protective order addresses the issue. Also, the plaintiffs object because they produced operable data in “text file and spreadsheet format” and offer their expert’s assistance with technical questions. But that format does not allow the defendants to see or test the expert’s methodology. (*Id.* at 1–4.) The court orders the discovery.

Recognizing that the court might order production, the plaintiffs asked that the defendants limit who can examine the data, strictly limit non-litigation use of the code, and disclose any alterations they make to the MedModel programming or logic before any expert deposition to give

the plaintiffs fair notice and an opportunity to prepare responsive arguments. The defendants did not oppose the measures, and the court grants them.

IT IS SO ORDERED.

Dated: October 31, 2021



LAUREL BEELER
United States Magistrate Judge